

Ser. No. 09/505,588

PATENT  
RCA 89,550

-17-

**REMARKS**

Claims 1-23 are presented.

Claims 1-23 are rejected.

Claims 11-13, and 18 are amended.

Applicants have amended FIG. 1 to change the numbering of decoder 100 to decoder 1000. The replacement specification reflects this change. A copy of the amended drawing is included with this action.

Applicants have added sections to the specification describing element 235 in FIG. 3 and elements 935, 945, 955, and 962 in FIG. 10, as requested by the Examiner. Support for the elements are shown in the respective Figures.

Applicants have also amended the specification to refer the "database" as being in the memory structure of processor 60. The original specification (hereafter "specification") refers to processor 60 having an "internal memory" on page 7, lines 8-9, and in other places.

Applicants have amended Claims 11 and 13 as to recite the updating of a program guide associated with a broadcast channel by using data from a second program guide that has been acquired by the invention. This amendment clarifies the selection and/or acquisition of an additional programming guide, as to facilitate the updating of program guides, in general. Support for the amendment is found in the specification on page 8, lines 14-29, and in other places.

Applicants have amended Claims 12 and 18 to recite an association between an acquired program guide and an individual broadcast channel. Such an amendment clarifies the invention over the art of record. Support for the amendment is found in the specification on page 7, lines 30-34, Claim 1, and in other places.

No new matter was added to the specification in view of these amendments.

*I. Rejection under 35 U.S.C. § 102**A. Rejection of Claims 18 and 19*

Ser. No. 09/505,588

PATENT  
RCA 89,550

-18-

Claims 18 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Newberry et al. (US Pat No. 5,625,406, hereafter Newberry). The Applicants disagree with this ground of rejection.

Amended Claim 18 recites the feature of, "acquiring said selected program guide, wherein said program guide is associated with said individual broadcast channel." This feature is neither disclosed nor suggested in Newberry. Specifically, Newberry presents a system that forms a unified programming guide from different signal sources as digital, analog, and information signals. When the programming guide is collated, the system of Newberry assumes that the information signals the characteristics that, "these different input signals, any or all of which can carry the same program or channel guide information," (Newberry, column 3, lines 44-48, emphasis added), where the type of programming guide is not considered. Newberry only concerns itself with the input signal sources (Newberry, column 3, lines 25-43, column 4, lines 55-64), as Newberry assumes that the signal sources carry the same information; not that different program guides may be available with different types of information and such differences make such program guides relevant.

In contrast, Claim 18 has a, "program guide is associated with said individual broadcast channel," where it is possible that the information in each program guide may vary from program type to type. Also, each programming guide may contain information for tuning into different programming on a broadcast channel, where the type of program guide affects how such programming is received. Newberry only considers the signal source, with all the information in the signal sources as being the same.

Claim 19, furthers the point of processing different types of program guides. As stated above, Newberry closely operates with the assumption that the information sources "carry the same program or channel guide information." Hence, the type of programming guide carried in the information source is not considered to be relevant because Newberry focuses on the signal source, especially when using a predetermined selection priority for choosing a signal sources (column 4, lines 55-64), rather the differences between different program guides, and their respective program guide information, unlike the Applicants' invention.

For the reasons given above, Claim 18 and 19 are believed to overcome the rejection under 35 U.S.C. § 102(b), and Applicants request that the rejection of Claims 18 and 19 be withdrawn.

## *II. Rejection under 35 U.S.C. § 103(a)*

Ser. No. 09/505,588

PATENT  
RCA 89,550

-19-

*A. Claims 1-17*

Claims 1-6 and 10-17 are rejected under 35 U.S.C. § 103(a) as being as being unpatentable over Newberry et al. (US Pat No. 5,625,406, hereafter Newberry). The Applicants disagree with this ground of rejection.

As listed above in regards to Claims 18 and 19, the Newberry reference does not "associate a program guide of said selected program guide with a broadcast channel," as recited in Claim 1. Specifically, Newberry is not concerned with a plurality of different program guides, as the signal sources carry "the same program channel guide information," (column 3, lines 44-48). Newberry reconciles the same program guide information, transmitted in different signal sources. Claim 1, specifically associates a specific type of program guide with a broadcast channel. Such an association advantageously may allow for, "reducing the need to search for a guide to be used in processing future selected broadcast channel and reduce program and channel acquisition times (specification, page 7, lines 31-33).

Furthermore, the Examiner references "associate a program guide of said selected program guide with a broadcast channel," feature of Claim 1 in the Office Action on page 4, line 22 to page 5, line 2. Applicants assert that Newberry does not operate in the manner suggested by the Examiner. Newberry discloses that it operates under the assumption that the type of program guide is irrelevant because the system of Newberry states that it can obtain a video signal and program guide information, "irrespective of whether the program guide information is carried in another analog signal, another digital signal or an information signal," (Newberry, column 5, lines 57-64, emphasis added). This section of Newberry references signal types, not different program guides where one of the program guides is selected to be associated with a broadcast channel, as in Claim 1.

As for updating a database, the Applicants remark that Newberry does not "associate a program guide of said selected program guide with a broadcast channel," as recited in Claim 1. Therefore, to use a database to store such an association, in the manner suggested by the Examiner, one would have to use the teachings of the Applicants' invention.

For the rejection to Claim 12, the Applicants note the Newberry reference does not disclose that a "selected program guide is associated with an individual broadcast channel," as recited above. Furthermore, Claim 12 does not select any available "program guide" in the manner as stated by the Examiner in the Office Action (page 6, lines 2-3). The features of Claim 12 to, "identify program guides available on individual broadcast channels," where one of the program guides is selected, is not any "program guide", as suggested by the Examiner.

Ser. No. 09/505,588

PATENT  
RCA 89,550

-20-

Also the scanning of program guides, as claimed in Claim 12 is not obvious. One has to consider what to scan for when searching for program guide information. Newberry teaches that one looks between a digital video signal, analog video signal, and an information signal, as different signal sources, to find program guide information, in accordance with a signal source selection priority. Claim 12 however is concerned with different program guides (what is being scanned) and different broadcast channels (where to scan). At best, Newberry provides one skilled in the art a teaching about where to look for program guide information (different signal sources), but not what to scan for (different program guides), as such a distinction is not important to Newberry. Hence, the one skilled in art would have to use the teachings of the Applicants' invention to scan for and to examine different program guides.

For the reasons given above, Claims 1 and 12 are believed to overcome the rejection under 35 U.S.C. § 103(a), and Applicants request that the rejection of Claims 1 and 12 be withdrawn. Applicants also request that the rejections to Claims 2-6 and 10-11, with Claims 13-17 be withdrawn, as they depend on Claims 1 and 12, respectively. Applicants request that the rejection to Claims 7-9 be withdrawn, as the Claims depend on Claim 1.

#### *B. Claims 20-22*

Claims 20-22 are rejected under 35 U.S.C. § 103(a) as being as being unpatentable over Newberry et al. (US Pat No. 5,625,406, hereafter Newberry) in view of Rzeszewski et al. (US Pat No. 5,699,125, hereafter Rzeszewski). The Applicants disagree with this ground of rejection.

The Examiner in the Office Action combines the EPG storage techniques of Newberry with the memory reduction techniques of Rzeszewski to arrive at the features of Claim 20. Specifically, the Examiner states that Rzeszewski determines, "if the automatically or manually tuned channel has a 'program guide associated with it,' (Office Action, page 9, lines 7-9). Applicants disagree. Rzeszewski discloses the determination of whether a tuned to frequency is "among the programmed subset of the predetermined frequency channels." Then Rzeszewski discloses the update of "database information" if the data in memory is current, using data in a second memory bank.

In contrast, Claim 20 determines "from a decoder database if a program guide is associated with an individual channel"; neither Newberry nor Rzeszewski have such an association available (see arguments listed above). Furthermore, Claim 20

Ser. No. 09/505,588

PATENT  
RCA 89,550

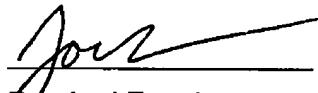
-21-

examines data received on an individual broadcast channel to determine if a program guide availability "to an absence of a program guide associated with said individual broadcast channel." This feature of Claim 20 is only performed if the association of a program guide to an individual broadcast channel is absent. Rzeszewski, in contrast, always performs a check if information in a database is "current" for a frequency on a predetermined frequency channel list. These two systems have different criteria and operations for checking and updating a database. The features claimed in Claim 20 are not suggested or disclosed in either Rzeszewski or Newberry, alone and in combination.

For the reasons given above, Claim 20 is believed to overcome the rejection under 35 U.S.C. § 103(a), and Applicants request that the rejection of Claim 20 be withdrawn. Applicants also request that the rejections to Claims 21-22, be withdrawn, as they depend on Claim 20.

Respectfully submitted,

SCOTT E. KLOPFENSTEIN ET AL.



By: Joel Fogelson.

Reg. No. 43,613

Tel. (609) 734-6809

Patent Operations

Thomson Multimedia Licensing, Inc.

P. O. Box 5312

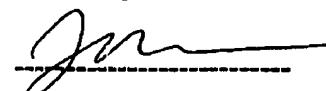
2 Independence Way,

Princeton, New Jersey 08543

February 19, 2003

**Certificate of Transmission under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being transmitted to the Hon. Commissioner for Patents at the telephone number (703) 872-9314 on February 19, 2003.



Joel M. Fogelson